

109TH CONGRESS  
2D SESSION

# H. R. 5311

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## AN ACT

To establish the Upper Housatonic Valley National Heritage  
Area.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Upper Housatonic Val-  
3 ley National Heritage Area Act”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5       (a) Findings.—Congress finds the following:

6           (1) The upper Housatonic Valley, encompassing  
7       29 towns in the hilly terrain of western Massachu-  
8       setts and northwestern Connecticut, is a singular  
9       geographical and cultural region that has made sig-  
10      nificant national contributions through its literary,  
11      artistic, musical, and architectural achievements, its  
12      iron, paper, and electrical equipment industries, and  
13      its scenic beautification and environmental conserva-  
14      tion efforts.

15          (2) The upper Housatonic Valley has 139 prop-  
16      erties and historic districts listed on the National  
17      Register of Historic Places, including—

18           (A) five National Historic Landmarks—

19               (i) Edith Wharton’s home, The  
20              Mount, Lenox, Massachusetts;

21               (ii) Herman Melville’s home, Arrow-  
22              head, Pittsfield, Massachusetts;

23               (iii) W.E.B. DuBois’ Boyhood Home-  
24              site, Great Barrington, Massachusetts;

25               (iv) Mission House, Stockbridge, Mas-  
26              sachusetts; and

1 (v) Crane and Company Old Stone  
2 Mill Rag Room, Dalton, Massachusetts;  
3 and

4 (B) four National Natural Landmarks—

5 (i) Bartholomew's Cobble, Sheffield,  
6 Massachusetts, and Salisbury, Connecticut;

7 (ii) Beckley Bog, Norfolk, Con-  
8 necticut;

9 (iii) Bingham Bog, Salisbury, Con-  
10 necticut; and

11 (iv) Cathedral Pines, Cornwall, Con-  
12 necticut.

13 (3) Writers, artists, musicians, and vacationers  
14 have visited the region for more than 150 years to  
15 enjoy its scenic wonders, making it one of the coun-  
16 try's leading cultural resorts.

17 (4) The upper Housatonic Valley has made sig-  
18 nificant national cultural contributions through such  
19 writers as Herman Melville, Nathaniel Hawthorne,  
20 Edith Wharton, and W.E.B. DuBois, artists Daniel  
21 Chester French and Norman Rockwell, and the per-  
22 forming arts centers of Tanglewood, Music Moun-  
23 tain, Norfolk (Connecticut) Chamber Music Festival,  
24 Jacob's Pillow, and Shakespeare & Company.

1           (5) The upper Housatonic Valley is noted for  
2           its pioneering achievements in the iron, paper, and  
3           electrical generation industries and has cultural re-  
4           sources to interpret those industries.

5           (6) The region became a national leader in sce-  
6           nic beautification and environmental conservation ef-  
7           forts following the era of industrialization and defor-  
8           estation and maintains a fabric of significant con-  
9           servation areas including the meandering  
10          Housatonic River.

11          (7) Important historical events related to the  
12          American Revolution, Shays' Rebellion, and early  
13          civil rights took place in the upper Housatonic Val-  
14          ley.

15          (8) The region had an American Indian pres-  
16          ence going back 10,000 years and Mohicans had a  
17          formative role in contact with Europeans during the  
18          seventeenth and eighteenth centuries.

19          (9) The Upper Housatonic Valley National  
20          Heritage Area has been proposed in order to height-  
21          en appreciation of the region, preserve its natural  
22          and historical resources, and improve the quality of  
23          life and economy of the area.

24          (b) Purposes.—The purposes of this Act are as fol-  
25          lows:

1           (1) To establish the Upper Housatonic Valley  
2       National Heritage Area in the State of Connecticut  
3       and the Commonwealth of Massachusetts.

4           (2) To implement the national heritage area al-  
5       ternative as described in the document entitled  
6       “Upper Housatonic Valley National Heritage Area  
7       Feasibility Study, 2003”.

8           (3) To provide a management framework to  
9       foster a close working relationship with all levels of  
10      government, the private sector, and the local com-  
11      munities in the upper Housatonic Valley region to  
12      conserve the region’s heritage while continuing to  
13      pursue compatible economic opportunities.

14          (4) To assist communities, organizations, and  
15      citizens in the State of Connecticut and the Com-  
16      monwealth of Massachusetts in identifying, pre-  
17      serving, interpreting, and developing the historical,  
18      cultural, scenic, and natural resources of the region  
19      for the educational and inspirational benefit of cur-  
20      rent and future generations.

21 **SEC. 3. DEFINITIONS.**

22       In this Act:

23           (1) **HERITAGE AREA.**—The term “Heritage  
24      Area” means the Upper Housatonic Valley National  
25      Heritage Area, established in section 4.

1           (2) MANAGEMENT ENTITY.—The term “Man-  
2           agement Entity” means the management entity for  
3           the Heritage Area designated by section 4(d).

4           (3) MANAGEMENT PLAN.—The term “Manage-  
5           ment Plan” means the management plan for the  
6           Heritage Area specified in section 6.

7           (4) MAP.—The term “map” means the map en-  
8           titled “Boundary Map Upper Housatonic Valley Na-  
9           tional Heritage Area”, numbered P17/80,000, and  
10          dated February 2003.

11          (5) SECRETARY.—The term “Secretary” means  
12          the Secretary of the Interior.

13          (6) STATE.—The term “State” means the State  
14          of Connecticut and the Commonwealth of Massachu-  
15          setts.

16 **SEC. 4. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE**  
17 **AREA.**

18          (a) ESTABLISHMENT.—There is established the  
19          Upper Housatonic Valley National Heritage Area.

20          (b) BOUNDARIES.—The Heritage Area shall be com-  
21          prised of—

22                (1) part of the Housatonic River’s watershed,  
23                which extends 60 miles from Lanesboro, Massachu-  
24                setts to Kent, Connecticut;

1           (2) the towns of Canaan, Colebrook, Cornwall,  
2       Kent, Norfolk, North Canaan, Salisbury, Sharon,  
3       and Warren in Connecticut; and

4           (3) the towns of Alford, Becket, Dalton,  
5       Egremont, Great Barrington, Hancock, Hinsdale,  
6       Lanesboro, Lee, Lenox, Monterey, Mount Wash-  
7       ington, New Marlboro, Pittsfield, Richmond, Shef-  
8       field, Stockbridge, Tyringham, Washington, and  
9       West Stockbridge in Massachusetts.

10       (c) AVAILABILITY OF MAP.—The map shall be on file  
11   and available for public inspection in the appropriate of-  
12   fices of the National Park Service, Department of the In-  
13   terior.

14       (d) MANAGEMENT ENTITY.—The Upper Housatonic  
15   Valley National Heritage Area, Inc. shall be the manage-  
16   ment entity for the Heritage Area.

17   **SEC. 5. AUTHORITIES, PROHIBITIONS, AND DUTIES OF THE**  
18                           **MANAGEMENT ENTITY.**

19       (a) DUTIES OF THE MANAGEMENT ENTITY.—To fur-  
20   ther the purposes of the Heritage Area, the management  
21   entity shall—

22           (1) prepare and submit a management plan for  
23       the Heritage Area to the Secretary in accordance  
24       with section 6;

1           (2) assist units of local government, regional  
2       planning organizations, and nonprofit organizations  
3       in implementing the approved management plan  
4       by—

5           (A) carrying out programs and projects  
6       that recognize, protect and enhance important  
7       resource values within the Heritage Area;

8           (B) establishing and maintaining interpre-  
9       tive exhibits and programs within the Heritage  
10      Area;

11          (C) developing recreational and educational  
12      opportunities in the Heritage Area;

13          (D) increasing public awareness of and ap-  
14      preciation for natural, historical, scenic, and  
15      cultural resources of the Heritage Area;

16          (E) protecting and restoring historic sites  
17      and buildings in the Heritage Area that are  
18      consistent with heritage area themes;

19          (F) ensuring that signs identifying points  
20      of public access and sites of interest are posted  
21      throughout the Heritage Area; and

22          (G) promoting a wide range of partner-  
23      ships among governments, organizations and in-  
24      dividuals to further the purposes of the Herit-  
25      age Area;



1           (3) consider the interests of diverse units of  
2           government, businesses, organizations and individ-  
3           uals in the Heritage Area in the preparation and im-  
4           plementation of the management plan;

5           (4) conduct meetings open to the public at least  
6           semi-annually regarding the development and imple-  
7           mentation of the management plan;

8           (5) submit an annual report to the Secretary  
9           for any fiscal year in which the management entity  
10          receives Federal funds under this Act, setting forth  
11          its accomplishments, expenses, and income, includ-  
12          ing grants to any other entities during the year for  
13          which the report is made;

14          (6) make available for audit for any fiscal year  
15          in which it receives Federal funds under this Act, all  
16          information pertaining to the expenditure of such  
17          funds and any matching funds, and require in all  
18          agreements authorizing expenditures of Federal  
19          funds by other organizations, that the receiving or-  
20          ganizations make available for such audit all records  
21          and other information pertaining to the expenditure  
22          of such funds; and

23          (7) encourage by appropriate means economic  
24          development that is consistent with the purposes of  
25          the Heritage Area.

1 (b) AUTHORITIES.—The management entity may, for  
2 the purposes of preparing and implementing the manage-  
3 ment plan for the Heritage Area, use Federal funds made  
4 available through this Act to—

5 (1) make grants to the State of Connecticut  
6 and the Commonwealth of Massachusetts, their po-  
7 litical subdivisions, nonprofit organizations and other  
8 persons;

9 (2) enter into cooperative agreements with or  
10 provide technical assistance to the State of Con-  
11 necticut and the Commonwealth of Massachusetts,  
12 their subdivisions, nonprofit organizations, and other  
13 interested parties;

14 (3) hire and compensate staff, which shall in-  
15 clude individuals with expertise in natural, cultural,  
16 and historical resources protection, and heritage pro-  
17 gramming;

18 (4) obtain money or services from any source  
19 including any that are provided under any other  
20 Federal law or program;

21 (5) contract for goods or services; and

22 (6) undertake to be a catalyst for any other ac-  
23 tivity that furthers the purposes of the Heritage  
24 Area and is consistent with the approved manage-  
25 ment plan.

1 (c) PROHIBITIONS ON THE ACQUISITION OF REAL  
2 PROPERTY.—The management entity may not use Fed-  
3 eral funds received under this Act to acquire real property,  
4 but may use any other source of funding, including other  
5 Federal funding outside this authority, intended for the  
6 acquisition of real property.

7 **SEC. 6. MANAGEMENT PLAN.**

8 (a) IN GENERAL.—The management plan for the  
9 Heritage Area shall—

10 (1) include comprehensive policies, strategies  
11 and recommendations for conservation, funding,  
12 management and development of the Heritage Area;

13 (2) take into consideration existing State, coun-  
14 ty, and local plans in the development of the man-  
15 agement plan and its implementation;

16 (3) include a description of actions that govern-  
17 ments, private organizations, and individuals have  
18 agreed to take to protect the natural, historical and  
19 cultural resources of the Heritage Area;

20 (4) specify the existing and potential sources of  
21 funding to protect, manage, and develop the Herit-  
22 age Area in the first 5 years of implementation;

23 (5) include an inventory of the natural, histor-  
24 ical, cultural, educational, scenic, and recreational  
25 resources of the Heritage Area related to the themes

1 of the Heritage Area that should be preserved, re-  
2 stored, managed, developed, or maintained;

3 (6) describe a program of implementation for  
4 the management plan including plans for resource  
5 protection, restoration, construction, and specific  
6 commitments for implementation that have been  
7 made by the management entity or any government,  
8 organization, or individual for the first 5 years of  
9 implementation; and

10 (7) include an interpretive plan for the Heritage  
11 Area.

12 (b) DEADLINE AND TERMINATION OF FUNDING.—

13 (1) DEADLINE.—The management entity shall  
14 submit the management plan to the Secretary for  
15 approval within 3 years after funds are made avail-  
16 able for this Act.

17 (2) TERMINATION OF FUNDING.—If the man-  
18 agement plan is not submitted to the Secretary in  
19 accordance with this subsection, the management en-  
20 tity shall not qualify for Federal funding under this  
21 Act until such time as the management plan is sub-  
22 mitted to the Secretary.

23 **SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.**

24 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—The  
25 Secretary may, upon the request of the management enti-

1 ty, provide technical assistance on a reimbursable or non-  
2 reimbursable basis and financial assistance to the Herit-  
3 age Area to develop and implement the approved manage-  
4 ment plan. The Secretary is authorized to enter into coop-  
5 erative agreements with the management entity and other  
6 public or private entities for this purpose. In assisting the  
7 Heritage Area, the Secretary shall give priority to actions  
8 that in general assist in—

9 (1) conserving the significant natural, histor-  
10 ical, cultural, and scenic resources of the Heritage  
11 Area; and

12 (2) providing educational, interpretive, and rec-  
13 reational opportunities consistent with the purposes  
14 of the Heritage Area.

15 (b) APPROVAL AND DISAPPROVAL OF MANAGEMENT  
16 PLAN.—

17 (1) IN GENERAL.—The Secretary shall approve  
18 or disapprove the management plan not later than  
19 90 days after receiving the management plan.

20 (2) CRITERIA FOR APPROVAL.—In determining  
21 the approval of the management plan, the Secretary  
22 shall consider whether—

23 (A) the management entity is representa-  
24 tive of the diverse interests of the Heritage  
25 Area, including governments, natural and his-

1           toric resource protection organizations, edu-  
2           cational institutions, businesses, and rec-  
3           reational organizations;

4           (B) the management entity has afforded  
5           adequate opportunity, including public hearings,  
6           for public and governmental involvement in the  
7           preparation of the management plan;

8           (C) the resource protection and interpreta-  
9           tion strategies contained in the management  
10          plan, if implemented, would adequately protect  
11          the natural, historical, and cultural resources of  
12          the Heritage Area; and

13          (D) the management plan is supported by  
14          the appropriate State and local officials whose  
15          cooperation is needed to ensure the effective im-  
16          plementation of the State and local aspects of  
17          the management plan.

18          (3) ACTION FOLLOWING DISAPPROVAL.—If the  
19          Secretary disapproves the management plan, the  
20          Secretary shall advise the management entity in  
21          writing of the reasons therefore and shall make rec-  
22          ommendations for revisions to the management plan.  
23          The Secretary shall approve or disapprove a pro-  
24          posed revision within 60 days after the date it is  
25          submitted.

1           (4) APPROVAL OF AMENDMENTS.—Substantial  
2       amendments to the management plan shall be re-  
3       viewed by the Secretary and approved in the same  
4       manner as provided for the original management  
5       plan. The management entity shall not use Federal  
6       funds authorized by this Act to implement any  
7       amendments until the Secretary has approved the  
8       amendments.

9   **SEC. 8. DUTIES OF OTHER FEDERAL AGENCIES.**

10       Any Federal agency conducting or supporting activi-  
11   ties directly affecting the Heritage Area shall—

12           (1) consult with the Secretary and the manage-  
13       ment entity with respect to such activities;

14           (2) cooperate with the Secretary and the man-  
15       agement entity in carrying out their duties under  
16       this Act and, to the maximum extent practicable, co-  
17       ordinate such activities with the carrying out of such  
18       duties; and

19           (3) to the maximum extent practicable, conduct  
20       or support such activities in a manner which the  
21       management entity determines will not have an ad-  
22       verse effect on the Heritage Area.

1 **SEC. 9. REQUIREMENTS FOR INCLUSION OF PRIVATE**  
2 **PROPERTY.**

3 (a) NOTIFICATION AND CONSENT OF PROPERTY  
4 OWNERS REQUIRED.—No privately owned property shall  
5 be preserved, conserved, or promoted by the management  
6 plan for the Heritage Area until the owner of that private  
7 property has been notified in writing by the management  
8 entity and has given written consent for such preservation,  
9 conservation, or promotion to the management entity.

10 (b) LANDOWNER WITHDRAW.—Any owner of private  
11 property included within the boundary of the Heritage  
12 Area shall have their property immediately removed from  
13 the boundary by submitting a written request to the man-  
14 agement entity.

15 **SEC. 10. PRIVATE PROPERTY PROTECTION.**

16 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in  
17 this Act shall be construed to—

18 (1) require any private property owner to allow  
19 public access (including Federal, State, or local gov-  
20 ernment access) to such private property; or

21 (2) modify any provision of Federal, State, or  
22 local law with regard to public access to or use of  
23 private property.

24 (b) LIABILITY.—Designation of the Heritage Area  
25 shall not be considered to create any liability, or to have  
26 any effect on any liability under any other law, of any pri-



1 vate property owner with respect to any persons injured  
2 on such private property.

3 (c) RECOGNITION OF AUTHORITY TO CONTROL LAND  
4 USE.—Nothing in this Act shall be construed to modify  
5 the authority of Federal, State, or local governments to  
6 regulate land use.

7 (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS  
8 IN HERITAGE AREA.—Nothing in this Act shall be con-  
9 strued to require the owner of any private property located  
10 within the boundaries of the Heritage Area to participate  
11 in or be associated with the Heritage Area.

12 (e) EFFECT OF ESTABLISHMENT.—The boundaries  
13 designated for the Heritage Area represent the area within  
14 which Federal funds appropriated for the purpose of this  
15 Act may be expended. The establishment of the Heritage  
16 Area and its boundaries shall not be construed to provide  
17 any nonexisting regulatory authority on land use within  
18 the Heritage Area or its viewshed by the Secretary, the  
19 National Park Service, or the management entity.

20 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—There is authorized to be appro-  
22 priated for the purposes of this Act not more than  
23 \$1,000,000 for any fiscal year. Not more than a total of  
24 \$10,000,000 may be appropriated for the Heritage Area  
25 under this Act.

1       (b) MATCHING FUNDS.—Federal funding provided  
2 under this Act may not exceed 50 percent of the total cost  
3 of any assistance or grant provided or authorized under  
4 this Act.

5 **SEC. 12. SUNSET.**

6       The authority of the Secretary to provide assistance  
7 under this Act shall terminate on the day occurring 15  
8 years after the date of the enactment of this Act.

Passed the House of Representatives May 9, 2006.

Attest:

*Clerk.*



109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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